

REMARKS

In the Office Action mailed May 30, 2007, the Examiner rejected claims 21-28. Claims 21, 23 and 25-27 has been amended. Claim 21 has been amended to avoid further rejection of claim 25 under 35 U.S.C. 112. Claims 22, 24 and 28 have been cancelled and Claims 30-35 have been added. Now pending are Claims 21; 23; 25-35.

Rejections Under 35 U.S.C. §103

Applicant submits that Examiner has failed to set forth any evidence that the references disclosed in the Office Action can be combined to arrive at the claimed rake-ridge cap assembly as a whole. The Examiner has not provided any reason to combine the references and the Examiner has not provided any explanation as to how the disclosed references in combination arrive at the claimed assembly.

Claims 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shaw in view of Blubaugh. Applicant respectfully submits that Shaw does not teach the entire assembly of the present invention including the opposing rake boards with a stepped surface structure that corresponds to the stepped surface structure of the rake ridge cap. The entire purpose of the claimed invention is an assembly that can be quickly and easily customized to fit any roof peak and thereby substantially reduces the time previously required to seal the gap at a rake board junction in an aesthetically pleasing manner. Shaw employs a pre-fabricated roof tile that it is no way adjustable to fit any and all roof peaks and Blubaugh's pre-printed grid on dry wall does not make obvious the customizable nature of a rake-ridge cap assembly, as claimed in the present invention. The present invention is adaptable at the job site and is in no way pre-manufactured for attachment to only one specific corresponding structure. Shaw and Blubaugh cannot be combined to render the present invention obvious, as neither includes the manner in which the stepped arcuate surface of the cap is attached to the correspondingly stepped surface of the rake members. The assembly of the present invention becomes part of the exterior trim, requiring that the topography of the cap align exactly with the topography of the rake members. The arcuate surfaces of Shaw are not designed for secure attachment to rake members via a corresponding accurate surface, nor does Shaw disclose an assembly that conceals the entire junction of the rake members. Shaw also fails to suggest the customization capability of the present invention. Such simplicity and reduction in cost and effort was not previously known in relation to roofing facades.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shaw in view of Blubaugh and in further view of Mason. As discussed above, Shaw and Blubaugh cannot combine to render the claimed invention obvious, as they fail to disclose the customizability of the claimed invention or the manner in which the

stepped arcuate surface of the cap is attached to the correspondingly stepped surface of the rake members. Mason is also easily distinguishable regarding the gap covering mechanism of the claimed invention. Mason is directed toward quick construction steel buildings, rendering the disclosed cap unusable in residential home construction. The cap in Mason also runs the entire length of roof. The assembly of the present invention is designed to obscure a gap between two rake members and covers only the front façade portion of a roof, never the entire roof length.

By the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

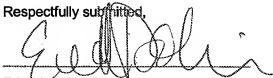
CONCLUSIONS

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: August 28, 2007

Respectfully submitted,



Eric M. Dobrusin
Registration No. 33,867
DOBRUSIN & THENNISCH PC
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342
(248) 292-2920

Customer No. 25215